

MEETING RECORD

NAME OF GROUP: City Board of Zoning Appeals

DATE, TIME AND

PLACE OF MEETING: Friday, August 22, 2003, 1:30 p.m., Hearing Chambers, County-City Building, 555 South 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS

IN ATTENDANCE:

Members: George Hancock, Gerry Krieser and Tom Wanser. (Gene Carroll and Linda Wibbels absent)

Others: Terry Kathe (Building & Safety), Tonya Skinner (City Law Dept.), Becky Horner and Michele Abendroth (Planning Dept.), applicants and other interested parties.

STATED PURPOSE

OF THE MEETING: Regular Meeting of the City Board of Zoning Appeals

Mr. Hancock called the meeting to order at 1:30 p.m.

Approval of the minutes of the July 25, 2003 meeting

Mr. Wanser made a motion to approve the July 25, 2003 minutes, seconded by Mr. Krieser. Motion carried 3-0. Hancock, Krieser and Wanser, voting 'yes'; Carroll and Wibbels absent.

Appeal No. 2361 by Scott Goode for a variance to allow the front yard setback to be reduced on property generally located at 2411 Sheridan Blvd.

Prior to the meeting, the applicant sent a letter to the Planning Department withdrawing this application; therefore, there was no hearing or action on this item.

Appeal No. 2363 by Patrick McGrane for a variance of the height in which an uncovered deck may project into the rear yard on property generally located at 5433 S. 31st Court.

PUBLIC HEARING

July 25, 2003

Becky Horner of the Planning Department stated that she had received a letter from Al and Pat Taft of 5448 S. 31st Court. The letter states that they support Mr. McGrane's request.

Pat McGrane, began by stating that the Briarhurst West Neighborhood does not oppose this application. He is requesting this variance due to the physical handicaps of the lot as there is not much space in his back yard. He noted that he was unaware of the option to pursue a waiver to the Community Unit Plan (CUP) until just recently, as City staff did not inform him of this option until last week. He stated that the heart of the issue is the irregular shape of the lot, and today's plotting would not allow for this type of lot. The request is not only for convenience, but for draining of the hot tub on the deck through the kitchen sink drain. He also believes that the deck, even though it is technically illegal now, is not intrusive to any of his neighbors.

It was clarified that the size of the proposed deck is 12 feet by 17 feet. The current deck is 10 feet by 10 feet, and he is asking for a variance to extend the deck out to 12 feet. The width of the deck is not a concern. Mr. Hancock asked if 10 feet would be adequate. Mr. McGrane replied that it would be, but he would like to add a stairway and allow enough space for safe passage from the stairway.

ACTION

August 22, 2003

Mr. Krieser asked if there is a legal concern with this application. Ms. Skinner stated that in this case, there is a specific ordinance stating that if there is a CUP, there is a process provided by the City Council which needs to be followed. A CUP is designed to make use of property that would not normally be able to be used or to use property in a different fashion.

Mr. Wanser noted that a lay person would not know about the CUP and asked that measures be taken so this does not happen again. Ms. Skinner stated that we could follow up with Building and Safety and the Planning Department on this issue.

Mr. Hancock asked if it is possible to make an amendment to the CUP that would only apply to one property. Ms. Skinner replied that it depends on how the amendment is written. Ms. Horner stated that the applicant can request a change only for their property. However, the Planning Department would probably recommend that it be over the entire neighborhood.

Ms. Skinner stated that her recommendation is to follow the proper channel, which is to seek a waiver on the CUP. If he is denied by the City Council, he could then come before the Board again.

Mr. Krieser made a motion to deny the application because there is another route for the applicant to follow. It was seconded by Mr. Wanser.

Ms. Skinner recommended that the Board table this application, in order for the applicant to follow the correct procedure.

Mr. Krieser withdrew his motion.

Mr. Wanser made a motion to table the application pending further action from the applicant; seconded by Mr. Krieser. Motion carried 3-0. Hancock, Krieser and Wanser, voting 'yes'; Carroll and Wibbels absent.

There being no further business, Mr. Hancock adjourned the meeting at 2:00 p.m.